UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 November 2007_.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

This action is in response to the original filing of 11-28-2007. Claims 1-18 are pending

and have been considered below:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 5-8, 10, 11, 14-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable by Schmidt Jr. et al ("Schmidt" US 6778642 B1) in view of Gidwani (US

6640239 B1)

Claims 1 and 10: Schmidt discloses a program product and method for execution on a

communications device for receiving, storing and displaying heterogeneous messages

from different communications channels, the messages being received via different

communications channels being received in formats specific to each communication

(Column 2, Lines 43-54):

the communications device being capable of executing a plurality of message

applications, each message application being associated with one of the

communications channels and being executable to store and display messages

received from the associated communications channel (Column 5, Lines 26-37), makes

reference of communication devices, (Column 2, Lines 30-42).

Since Schmidt allows accessing and retrieval of the plurality of message types, it is

clear that these different messages inherently require different functionality to process

each correctly (i.e. fax message requires different protocol than an email message) in

order for the user completely and efficiency interact with the system.

Schmidt further teaches displaying an ordered listing of message fragments associated

with at least one of said the retrieved messages in a single view on the communications

device (Figure 6). Here the subject of a complete message is provided in a single view.

Schmidt does disclose the ability to sort messages (Figures 5-8).

However Schmidt does not explicitly disclose that the program product comprising a

medium having executable program code embodied in said medium is a collating

application, the executable program code comprising a collating application being

executable on the communications device for dynamically retrieving heterogeneous

messages stored by the plurality of message applications, said retrieved messages

meeting at least one collating criterion, However Gidwani discloses an apparatus and

method for intelligent scalable switching network and further discloses an interface with

heterogeneous messages and collating them which provides a type of collating

application in the system (Column 49, Lines 52-65). Therefore it would have been

obvious to one having ordinary skill in the art at the time of invention that the collating

application of <u>Gidwani</u> could be used sorting of the messages from different

communications in <u>Schmidt</u> to provide a collating application with collating criterion. One

would have been motivated to have the plurality of messages collated to provide better

operability of the system when a user is searching through certain communication.

Claims 2 and 11: <u>Schmidt and Gidwani</u> disclose a program and method as in claims 1

and 10 above, and further disclose in which the executable program code and method

further comprises program code executable on the communications device for enabling

a user to specify the at least one collating criterion (<u>Gidwani:</u> Column 49, Lines 13-65).

Claims 5 and 14: <u>Schmidt and Gidwani</u> disclose a program and method as in claims 1

and 10 above, in which the executable program code and method further comprises

program code executable on the communications device for displaying a defined icon

representing the at least one collating criterion (<u>Schmidt</u> Column 2, Lines 17-24) (Figure

5).

Claims 6 and 15: <u>Schmidt and Gidwani</u> disclose a program and method as in claims 1

and 10 above, in which the executable program code and method further comprises

program code executable on the communications device for displaying a first defined

icon representing the at least one collating criterion when the communications device is

in receipt of no unread messages meeting the at least one collating criterion and for

displaying a second defined icon representing the at least one collating criterion when

the communications device is in receipt of at least one unread message meeting at

least one collating criterion (Schmidt Column 3, Lines 66-67), (Column 4, Lines 1-10).

Claims 7 and 16: Schmidt and Gidwani disclose a program and method as in claims 1

and 10 above, in which the executable program code and method further comprises

program code executable on the communications device for enabling a user to select

between alternative views for presenting the ordered listing of message fragments

associated with each of said retrieved messages (Schmidt Figure 6; Column 7, Lines 9-

27). The additional views are provided by home or office selection.

Claims 8 and 17: Schmidt and Gidwani disclose a program and method as in claims 1

and 10 above, in which the executable program code and method further comprises

program code executable on the communications device for displaying the ordered

listing of message fragments associated with at least one of said retrieved messages in

sub-lists under displayed headings, each heading reflecting the communications

channel on which the messages in the associated sub-list were received by the

communications device (Schmidt Figures 6). The subject provides the message

fragment and each selection provides it in a single view.

3.   Claims 3, 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable by <u>Schmidt Jr. et al ("Schmidt"US 6778642 B1)</u> and <u>Gidwani (6640239</u>

<u>B1)</u> as applied to Claim 1 and 10 in further view of <u>Dang et al ("Dang" US 6571275 B1)</u>

Claims 3 and 12: <u>Schmidt and Gidwani</u> disclose a program and method as in claims 2

and 11 above, but do not explicitly disclose executable program code and method for

enabling a user to specify the at least one collating criterion comprises executable

program code for enabling the user to specify the at least one collating criterion used to

match entries in an address book maintained by the communications device. However

<u>Dang</u> discloses filtering messages and further discloses using an address book as a

criterion (Column 7, Line 58-Column 8, Line 10). Therefore it would have been obvious

to one having ordinary skill in the art at the time of the invention to allow the collating

criteria be based on an address book in the modified <u>Schmidt</u> as taught by <u>Dang.</u> One

would have been motivated to provide an address book to provide improved query of

names, groups, etc.

Claims 4 and 13: <u>Schmidt, Gidwani and Dang</u> disclose a program and method as in

claims 3 and 12 above, and the specified at least one collating criterion comprising a

name associated with one entry in the address book (<u>Dang</u> discloses filtering messages

and further discloses using an address book including names as a criterion (Column 7,

Line 58-Column 8, Line 10)).

4.   Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable by

Schmidt Jr. et al (US 6778642 B1) and Gidwani (US 6640239 B1) as applied to Claim

1 and 10 in further view of Schnarel et al ("Schnarel" US 7225409 B1).

Claims 9 and 18: Schmidt and Gidwani disclose a program and method as in claim 8

and 17 above, but do not explicitly disclose program code and method further

comprises program code executable on the communications device for enabling a user

to launch the message application associated with one of the communications channels

by selecting one of the displayed sub-list headings. However Schnarel discloses a

graphical user interface that allows selection of a button to launch a message

application (Column 5, Line 50-Column 6, Line 25). Therefore it would have been

obvious to provide launch buttons or incorporate the button with the heading of the

modified Schmidt to launch the program as taught by Schnarel. One would have been

motivated to provide the selection capabilities to provide quick access to the program as

is provide entirety of the system.

Response to Arguments

In response to applicants' arguments about the UMS, it is incorporated as a system and therefore provides the functionality required in a systematic method including the UMS, client computer which renders the interface and allows execution of the programs (Schmidt Column 5, Lines 5-25).

In response to applicants' arguments about the single view, a single view is provided there are not additional views or windows that show the messages separately. However if applicant interprets this differently examiner invites the applicant to further clarify the claim such as including viewed concurrently or simultaneously in a single view (Schmidt Figures 5-8).

In response to applicants' arguments about the message fragment, a complete message contains for example (subject or title or header) and body, therefore by displaying the subject a fragment of the complete message is displayed (Schmidt Figure 6).

In response to applicants' arguments about the dynamic retrieval, it is noted that the dynamic function merely means that a program is not static and by allowing retrieval of the messages a dynamic function is performed. With this interpretation both references provide a dynamic retrieval. However if applicant interprets this differently examiner invites the applicant to further clarify the claim such as including terms similar to show a

continuous process (<u>Schmidt</u> Column 5, Lines 26-31); (<u>Gidwani</u> Column 49, Lines 13-37).

In response to applicants' arguments about the sub list, the sub list is displayed as email messages, fax messages, etc and the main listing which is under Messages (<u>Schmidt</u> Figures 5-8).

Conclusion

5.   Applicants amendments necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVE WILEY can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

12-12-07

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174